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COMMITTEE ON THE ELIMINATION OF
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS SIXTEENTH SESSION

Draft report

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Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

3. Second and third periodic reports

Turkey

1. The Committee considered the combined second and third periodic reports of Turkey (CEDAW/C/TUR/2-3) at its 318th and 319th meetings, on 17 January 1997.

2. In her introductory statement, the representative of Turkey pointed out that the report had been prepared in a participatory way and reflected the contributions of different women's organizations. She placed women's status within the framework of globalization, which seemed to offer new hopes, but also the possibility of growing inequalities, including between women and men. She underlined that respect for the human rights of the individual, without cultural boundaries, and the concept of equal citizenship in a State governed by the rule of law continued to provide the most workable framework, as well as new opportunities, for achieving gender equality.

3. The representative noted that, in Turkey, contradictions of globalization, modernization and traditionalism had an impact on the status of women in

society. Constraints of underdevelopment and structural adjustment and of religious fundamentalism and claims based on ethnic rivalries presented sources of conflict with long-term prospects that may be unfavourable for the status of women.

4. While acknowledging continuing inequalities and disparities in the status of women, the representative highlighted progress and pointed to the development of a gender sensitive agenda in Turkey. Supported by growing feminist and women's movements, women had become visible and had been expanding their sphere of action. The most arduous and urgent task facing the Government now was to respond to the demands of women, particularly the enhancement of their basic citizenship rights within a secular social order.

5. In Turkey, a secular country with a predominantly Muslim population, the equality of men and women was recognized in the Constitution and in statutes. While some discriminatory clauses in the Turkish Criminal and Civil Codes had been repealed in recent years, an overall reform of the Civil Code remained to be completed.

6. The Directorate General on the Status and Problems of Women had been established in 1991 and was attached to the Prime Ministry. Despite its limited staff and budget, the Directorate acted as the coordinating body vis-à-vis government institutions, networked with non-governmental organizations and supported research and training. Gender issues were an integral part of Turkey's five-year development plan. While a number of special measures and initiatives had been introduced to strengthen women's active participation in development, more was needed to reach a larger number of women. Currently the establishment of the Under-Secretariat for Women's Affairs and Family was under way.

7. Among the challenges faced by Turkey in achieving women's equality, the representative identified the disparities in status and opportunities for urban middle-class and rural women; violence against women in the private domain; a strengthening of the contribution of the media to the advancement of women, including through an increase in the number of female professionals in this area; and the revision of educational materials, which continued to portray women in their traditional roles as mothers and wives. Likewise, women's participation in politics and in Parliament remained low, notwithstanding the introduction of quotas by political parties.

8. Disparities in socio-economic areas remained a great concern and included women's low literacy rates, their access to education and opportunities, as well as patterns of employment. Women's low status also affected their access to health services. Particular problems persisted for Turkey's rural women in eastern and southeastern Anatolia, who continued to live in traditional social frameworks and were affected by an ongoing armed conflict and whose access to opportunities and services remained severely limited.

9. At the Fourth World Conference on Women, Turkey committed itself to withdrawing all its reservations under articles 15 and 16 of the Convention by the year 2000, a step which requires the revision of a number of discriminatory

laws contained in the Civil Code. Turkey also committed itself to achieving full literacy of women by the year 2000.

General comments

10. The Committee expressed its appreciation to the Government of Turkey for its high-level delegation, which was headed by the Minister of State responsible for Women's Affairs and the Family, and the exhaustive replies and information provided by the Government in response to the questions of the pre-session working group.

11. The frankness of the assessment of the status of women, particularly in the oral presentation, and the acknowledgment of persisting inequalities and disparities, indicating the Government's willingness to confront the critical issues facing women in Turkey, was appreciated by the Committee.

12. The Committee also appreciated the well-structured, frank and detailed report, which followed its guidelines. The Committee expressed its satisfaction that, in the course of the dialogue with the Committee, the representatives of the State party manifested the determined political will of the Government to implement the Convention progressively. At the same time, and in a self-critical manner, the representatives described the difficulties encountered in the implementation of policies and programmes consistent with the Convention.

Positive aspects

13. The Committee noted that the consolidated second and third reports were prepared with the contributions of governmental institutions, specialists and academicians working on women's issues, women's groups, political parties, trade unions, representatives of the media and non-governmental organizations.

14. The distribution of the previous report to all institutions and persons concerned with women's human rights and the translation of the Convention into Turkish was welcomed by the Committee.

15. The Committee welcomed the information, reiterated in the excellent oral presentation of the delegation of the State party, relating to the draft law to amend the various articles of the Civil Code pertaining to family law, which will allow for the withdrawal by Turkey of its reservations.

16. The Committee also welcomed the information in the report relating to the Government's intention to revise the Citizenship Law, which will allow for the withdrawal of reservations relating to article 9.

17. The Committee further welcomed the decision of the Government of Turkey to conclude bilateral agreements with other countries that would permit Turkish citizens, women and men alike, to keep their citizenship upon marriage to a foreign national.

18. The Committee congratulated the Government for legally guaranteeing the equal right of girls and boys to free education and training. It also welcomed the recommendation of the fifteenth National Council of Education to increase

the compulsory and uninterrupted primary education to eight years and its decision to develop curricula and revise textbooks and teaching methods so that they are free of sex-based stereotypes and that gender-based prejudices are eliminated from educational programmes.

19. Taking note of the wide and detailed information and statistical data related to the situation of women in the field of employment, the Committee appreciated the fact that women are entitled to the same employment opportunities as men. It also welcomed the participation of women in the labour force in different economic activities.

20. The Committee took note of the impact of the microcredit scheme in promoting women entrepreneurs.

21. The Committee also welcomed the commitments made by Turkey at the Fourth World Conference on Women to the effect that by the year 2000 it would:

(a) Reduce infant and maternal mortality rates by 50 per cent;

(b) Raise compulsory education to eight years;

(c) Eradicate female illiteracy;

(d) Withdraw the reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

Factors and difficulties for the full implementation of the Convention

22. The reservations to articles 9, paragraph 1, 15 and 16 of the Convention were regarded by the experts as serious impediments to the full implementation of the Convention in the State party.

23. The contradictions of globalization, modernization and deeply rooted traditionalism interplay strongly in the context of the status of women in Turkey. Being the only secular country with a predominantly Muslim population, Turkey was currently experiencing pressures from various religious fundamentalist groups, as well as because of the claims of ethnic rivalries that had been emerging all around the world. The Committee recognized the serious impact that these pressures had on the condition of women and that they served to perpetuate the existing inequality between women and men and hampered the de jure and de facto implementation of the Convention.

Principal subjects of concern

24. The Committee is deeply concerned about the reservations of Turkey to articles 9, paragraph 1, 15, paragraphs 2 and 4, and 16, paragraphs 1 (c), (d), (f) and (g). It is also concerned with the prolonged discussions surrounding and the resistance to the reform of the Civil Code, although it appreciates that efforts have been made in this context by the General Directorate, women members of Parliament and the Ministry of Justice. The Committee urges the State party to facilitate and hasten this process so that the Law on Citizenship, the Civil

Code and the Criminal and Penal Codes can be brought into conformity with the articles of the Convention.

25. While welcoming the fact that the Under-Secretariat for Women's Affairs and Family Services is acting in close cooperation with the State Ministry, the Committee expresses its concern that continuing coordination has not been established between these two bodies, and, further, that there are no corresponding bodies at regional and local levels.

26. The Committee is concerned at the lack of an integrated and systematic approach by the national machinery to all areas covered by the Convention, in particular with regard to women in rural areas, vulnerable groups such as ethnic minorities, young women and women in prisons.

27. The Committee is concerned at the absence, in the Constitution or in other legislation, of a specific provision to guarantee the equality of women and men, as required in article 2, paragraph (a) of the Convention.

28. The Committee is concerned that Turkey has not utilized article 4 of the Convention in the fields of labour, education or health. Measures allowed by article 4 could benefit many women and eliminate much existing discrimination.

29. The Committee noted with deep concern that various provisions of the Penal Code are in contradiction to the articles of the Convention. It notes, in particular, the differentiation between rape of minors, majors and rape that violates virginity, as well as article 433 (on abduction of single or married women) and articles 440 and 441 (on adultery) of the Penal Code. These provisions are in flagrant contradiction of article 2, paragraph (a), of the Convention.

30. The Committee is concerned about the provisions of the Penal Code that allow less rigorous sanctions or penalties for "honour killings". This concept contravenes the principle of respect for human life and the security of all persons, which is protected by all the international human rights laws.

31. The Committee expresses concern at information provided in the Government's replies, and corroborated by independent information, that the Kurds are not recognized as a legal minority. This contravenes the spirit of the Convention and article 20 of the International Covenant on Civil and Political Rights, which has been ratified by Turkey. The Committee deeply regrets that no special temporary measures have been put in place to redress the situation of Kurdish women, who suffer double discrimination.

32. The Committee is alarmed by the widespread violence, in all its forms, perpetrated against women and girls and the inadequacy of legal and educational measures to combat this violence. The Committee is concerned that both its general recommendation No. 19 on violence against women[1] and the Declaration on the Elimination of Violence against Women[2] have not been taken into consideration. The law which categorizes violence as "crime against public decency and public order" contradicts the spirit of the Convention and contravenes the dignity of the person.

33. The Committee is particularly concerned that no juridical or educational measures have been undertaken by the State in pursuance of article 5, paragraph (a), in the context of violence within the family.

34. The Committee is concerned that sufficient appropriate measures have not yet been taken to prevent and combat the acceptance of male dominance and violence against women in rural as well as in urban areas, to beat women and to require silent obedience from them. Equally, there is a lack of concrete measures to prevent the high number of suicides among women victims of violence.

35. The Committee considers that it is urgent, as a preventive measure, to change the gender selective approach in the law; to develop educational courses to empower women; to educate police personnel; to introduce gender sensitive courses for judges, public prosecutors and lawyers; to increase the number of shelters for battered women with children; and to mobilize the media to introduce regular programmes on the negative consequences of violence.

36. The Committee is concerned that no special measures exist to protect women in prostitution from exploitation and violence or to ensure them regular access to health, training and employment opportunities and rehabilitation programmes. The Committee also expresses its disapproval at the existence of brothels regulated by law and the lack of information and statistical data about the phenomenon.

37. The Committee is concerned that the Turkish political parties, trade unions and other public institutions are not sufficiently sensitive to the importance of the implementation of article 7 of the Convention and the need for representation in decision-making bodies, including Parliament and the Government, where the number of women is still very low.

38. The Committee is concerned about the Turkish Citizenship Law, which provides that a Turkish woman who decides to assume the nationality of her foreign husband will lose her Turkish nationality.

39. The Committee likewise expressed its concern at the high level of illiteracy among women and girls, especially in the rural areas, the drop-out rates of girls in schools owing to family practices, early marriages and the prioritization of boys in school enrolment and other gender discriminatory practices in education. The clustering of women in higher education in areas regarded as "suitable for women" was also noted by the Committee.

40. The Committee considered with concern the very low minimum age for employment, which contravenes relevant ILO Conventions. The high level of unemployment of migrant urban female workers, the lack of measures to integrate them in the labour markets and the persistent occupational segregation in lower paid jobs impedes their upward mobility and further reinforces discrimination against women in the labour market.

41. The Committee expressed its concern over the limited access of women to microcredit facilities, which are an important tool to promote women's entrepreneurship.

42. The Committee is also concerned about the exclusion of married and single women from the Social Pension Fund, which deprives them of social protection.

43. The lack of legal literacy programmes to raise the awareness of rural women regarding their rights is also a matter of concern.

44. The Committee is particularly concerned at the high number of women in rural areas working in family enterprises whose work is not recognized, thereby excluding them from social security benefits, health services, including family planning services, and educational and legal literacy programmes.

Suggestions and recommendations

45. The Committee requests the Government of Turkey to take steps to address the aforementioned principal subjects of concern and to reflect progress made in their next periodic report.

46. The Committee invites the Government to review the Civil Code, particularly with regard to family law, with a view to removing the reservations to the Convention. It also suggested that the related provisions of the Penal Code be revised in order to ensure women the full protection of the law on equal terms with men.

47. As the education of children remains primarily the responsibility of women, information and training efforts are needed to support women in breaking the perpetuation of social behaviour patterns detrimental to their well-being, and to create greater awareness of their rights, opportunities and obligations as citizens.

48. Violence against women, especially domestic violence, appears to be pervasive, and systematic and serious efforts are required to address this problem, at the legislative level and through practical measures such as a comprehensive awareness-raising and education campaign for the public in general, and in particular for law enforcement agencies such as the police, lawyers and judges. More specifically, as to the Criminal (Penal) Code, comprehensive legislation is necessary to prevent and punish violence against women in the family sphere as well as the public sphere.

49. The practice of so-called "honour killings", based on customs and traditions, is a violation of the right to life and security of persons, and therefore needs to be appropriately addressed under the law. The Government is also invited to critically review the practice of virginity examinations in cases of alleged rape; likewise, it is invited to investigate whether coerced virginity examinations have been carried out on women for reasons other than for investigation of sexual attacks or abuses.

50. A particular effort should be undertaken to mobilize the media in support of advancing the status and the rights of women, including through non-sexist and non-stereotypical portrayal of women in the media and through efforts to increase the number of women in the media, particularly in decision-making positions.

51. The situation of minority women needs to be monitored urgently, and a systematic effort is necessary to ensure their equal access to opportunities.

52. Consideration should be given to institutionalizing affirmative action programmes in accordance with article 4, paragraph 1, of the Convention, in particular in decision-making areas in the public sector, to hasten and increase the participation of women in such positions.

53. Consideration should be given to the revision of the correspondent provisions of the Citizenship Law in order to give women equal rights in terms of nationality.

54. Continuing support should be given to female students in order to increase the rate of female university graduates and their participation in "non-traditional" fields.

55. The Committee urges the Government of Turkey to take adequate measures to provide skills training, retraining and credit facilities or other support services that would provide employment opportunities or self-employment for urban migrant workers, to correct occupational segregation through concrete measures and to provide the necessary protection to working girls to ensure their safety and healthy conditions of work.

56. Concrete training programmes will also be necessary aimed at increasing opportunities for women to avail themselves of microcredit programmes.

57. Immediate measures should be taken to extend social pensions to all women, regardless of their marital status, particularly in the rural areas, and to develop training programmes, with the collaboration of non-governmental organizations, that will disseminate information to rural women on their rights.

58. The Committee requests the compilation of current data and statistics on family planning methods, the use of such methods by men and women, and access to contraception disaggregated by age and sex.

59. The Committee considers that the requirement of spousal consent to abortion needs to be reviewed.

Notes

[1] See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), chap. I.

[2] General Assembly resolution 48/104.